

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

MICHAEL J. MOCKERIDGE and
SUSAN J. MOCKERIDGE,
Plaintiffs,

Case No.: 21-cv-12896
Honorable Thomas L. Ludington

v.

NOTICE

HARRY HARVEY, et al,
Defendants

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**PLAINTIFFS' NOTICE TO MAGISTRATE JUDGE REGARDING
ISSUANCE OF ORDER FOLLOWING ORDER OF REFERENCE**

NOW COME Plaintiffs, by counsel, and files this notice to the Magistrate Judge who has been referred the pending motions for summary judgment. See **ECF No. 107**. At least one defendant took the position, based on the sua sponte striking of the Rule 5.1 notices, that—

The Mockerridges attempt to rebut Harvey's authorization to enter the [Skylar Trail] Property by challenging the constitutionality of MCL 125.1512, but this Court rejected and foreclosed such challenge.

ECF No. 112, PageID.2778. Plaintiffs disagree such has ever been "rejected" or "foreclosed." See FRCP 5.1(d) However, the statement has unquestionably been rendered in error given today's ruling on Plaintiffs' objection. The District Court judge ordered "Plaintiffs' Notices, ECF No. 92; 99, are UNSTRICKEN" and "the following question is CERTIFIED to the Michigan Attorney General under 28 U.S.C. § 2403: Does Michigan Compiled Laws § 125.1512 and Michigan Administrative Code Rule 408.30504 violate the Fourth Amendment to the United States Constitution?"

ECF No. 114, PageID.2791. Noting has been "rejected and foreclosed."

Date: March 28, 2023

RESPECTFULLY SUBMITTED:

/s/ Philip L. Ellison

OUTSIDE LEGAL COUNSEL PLC

by PHILIP L. ELLISON (P74117)

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CERTIFICATE OF SERVICE

I, the undersigned attorney of record, hereby certify that on the date stated below, I electronically filed the foregoing with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel or parties of record.

Date: March 28, 2023

RESPECTFULLY SUBMITTED:

/s/ Philip L. Ellison

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